

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Application No.: 09/551,523
Filed: April 18, 2000
Inventor(s):
Shah, et al.

Title: CONTROLLING ACCESS
TO INFORMATION
OVER
A MULTIBAND
NETWORK

§ Examiner: Ha, Leynna A.
§ Group/Art Unit: 2135
§ Atty. Dkt. No: 6000-04802
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5-12-08
Date

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
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Sir/Madam:

Further to the Notice of Appeal of March 10, 2008, Appellants present this Appeal Brief. Appellants respectfully request that this appeal be considered by the Board of Patent Appeals and Interferences.

I. REAL PARTY IN INTEREST

The subject application is owned by Sun Microsystems, Inc., a corporation organized and existing under and by virtue of the laws of the State of Delaware, and having its principal place of business at 4150 Network Circle, Santa Clara, CA, 95054, as evidenced by the assignment recorded at Reel 011071, Frame 0001.

II. RELATED APPEALS AND INTERFERENCES

No other appeals or interferences are known which would directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

Claims 49-54, 56-75, 77-88, and 90-99 are pending in the present application. Claims 1-48, 55, 76, and 89 are canceled. Claims 49-54, 56-75, 77-88, and 90-99 stand finally rejected and are the subject of this appeal. A copy of claims 49-54, 56-75, 77-88, and 90-99, as on appeal (incorporating all amendments), is included in the Claims Appendix attached hereto.

IV. STATUS OF AMENDMENTS

No amendment to the claims has been filed subsequent to the final rejection. The Claims Appendix reflects the current state of the rejected claims.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

Independent claim 49 is directed to a method for controlling access to a continuous stream of content, such as a television program, transmitted over a plurality of communication paths. FIG. 3 illustrates an embodiment in which the plurality of communication paths comprise frequency paths 302-310 in a cable or communication medium 300. FIGS. 3 and 4 illustrates embodiments in which the stream source

comprises a head end server 402 and head end 312, 402 and the stream destination comprises a set-top platform 420 and subscriber 314. The head end is further described at page 23, line 19 through page 25, line 7 of the specification. A plurality of notifications for determining a sequence of transmission of the continuous stream of content are transmitted from the server via the plurality of communication paths. The plurality of notifications are obtained by a client. (*See, e.g.*, the switching software described at page 27, line 13 through page 29, line 10.) The continuous stream of content is transmitted from the server via the plurality of communication paths according to the sequence of transmission. The client obtains the continuous stream of content by automatically switching communication paths in accordance with the sequence of transmission of the content based on the plurality of obtained notifications. (*See, e.g.*, page 27, lines 1-12 and page 29, line 11 through page 31, line 23.)

Independent claim 58 is directed to a method for controlling access to content having a plurality of parts and transmitted over a plurality of communication paths. (*See, e.g.*, FIGS. 3 and 4.) An encrypted notification of a communication path is transmitted. (*See, e.g.*, the switching and encrypting software described at page 27, line 13 through page 29, line 10.) A part of the content is transmitted at a given time on the communication path. A second encrypted notification of another communication path is transmitted. A second part of the content is transmitted at a second given time on the second communication path. (*See, e.g.*, page 27, lines 1-12 and page 29, line 11 through page 31, line 23.) The encrypted notification comprises an indication of the given time, and the second encrypted notification comprises an indication of the second given time. (*See, e.g.*, page 25, lines 14-17 and page 27, lines 20-23.)

Independent claim 66 is directed to a method for controlling access to content having a plurality of parts and transmitted over a plurality of communication paths. (*See, e.g.*, FIGS. 3 and 4.) A notification of a communication path is transmitted from a server to a client. A part of the content will be transmitted on the communication path at a given time. (*See, e.g.*, the switching software described at page 27, line 13 through page 29,

line 10.) The client automatically switches to the communication path. The part of the content is transmitted on the communication path at the given time to the client. The part of the content is viewed on the communication path via the client. A second notification of a second communication path is transmitted from the server to the client. The second part of the content will be transmitted at the second given time on the second communication path. The notification comprises an indication of the given time, and the second notification comprises an indication of the second given time. (*See, e.g.*, page 25, lines 14-17 and page 27, lines 20-23.) The client automatically switches to the second communication path, and the second part of the content is transmitted on the second communication path at the second given time to the client. (*See, e.g.*, page 27, lines 1-12 and page 30, line 1 through page 31, line 23.) Both parts of the content are viewed on the respective communication paths via the client. (*See, e.g.*, page 27, lines 8-10.)

Independent claim 73 is directed to a method for controlling access to content transmitted over a plurality of communication paths. (*See, e.g.*, FIGS. 3 and 4.) Mapping information for the content is transmitted to a subset of a plurality of clients in a secure manner. (*See, e.g.*, page 27, lines 1-12.) The content is transmitted over the plurality of communication paths to the plurality of clients. The subset of the plurality of clients automatically switch to a communication path that is transmitting the content. (*See, e.g.*, page 30, line 1 through page 31, line 23.) The subset of the plurality of clients are signaled with modified mapping information on a repeated basis during the course of a viewed presentation. (*See, e.g.*, page 30, lines 18-22.) The subset of the plurality of clients automatically switch to a modified communication path based on the modified mapping information. (*See, e.g.*, page 30, line 1 through page 31, line 23.)

Independent claim 83 is directed to a system for controlling access to content comprising. The system comprises a plurality of communication paths, a server, a plurality of notifications for determining a sequence of transmission of a content via the plurality of communication paths, and a client. (*See, e.g.*, FIGS. 3 and 4.) The content has a plurality of parts. The client is coupled to the server via the plurality of

communication paths. The plurality of notifications are transmitted from the server to the client. The plurality of parts of the content are transmitted from the server over the plurality of communication paths in accordance with the sequence of transmission. The client obtains the plurality of parts of the content by automatically switching communication paths in accordance with the sequence of transmission of the content based on the plurality of obtained notifications. (*See, e.g.*, page 27, lines 1-12 and page 30, line 1 through page 31, line 23.)

Independent claim 90 is directed to a system for controlling access to content. The system comprises a content having a plurality of parts, a plurality of communication paths, a server, and a plurality of encrypted notifications. (*See, e.g.*, FIGS. 3 and 4.) Each of the plurality of encrypted notifications notifies a client of a communication path on which a corresponding part of the content will be transmitted at a given time. Each of the encrypted notifications comprises an indication of the respective given time. (*See, e.g.*, page 25, lines 14-17 and page 27, lines 20-23.) The server repeatedly transmits an encrypted notification of the plurality of notifications until all parts of the content have been transmitted. (*See, e.g.*, page 27, lines 1-12 and page 28, line 10 through page 31, line 23.)

Independent claim 96 is directed to a system for controlling access to content. The system comprises an individual television program having a plurality of parts, a plurality of communication paths, a selected client, and a server coupled to the client via the plurality of communication paths. (*See, e.g.*, FIGS. 3 and 4.) The server transmits a notification to the client of a communication path on which a part of the program will be transmitted at a given time. The server also transmits a second notification to the client of a second communication path on which a second part of the program will be transmitted at a second given time. The notification comprises an indication of the given time, and the second notification comprises an indication of the second given time. (*See, e.g.*, page 25, lines 14-17 and page 27, lines 20-23.) The client automatically switches to the communication path at the given time and automatically switches to the second

communication path at the second given time. (*See, e.g.*, page 27, lines 1-12 and page 30, line 1 through page 31, line 23.) The plurality of notifications are transmitted from the server to the client at irregular interval. (*See, e.g.*, page 30, lines 18-22.) The plurality of notifications are each encrypted at the server. (*See, e.g.*, page 28, line 10 through page 29, line 10.)

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 49-54, 56-75, 77-88, and 90-99 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Date et al. (U.S. Patent No. 5,959,677, hereinafter “Date”) in view of Hejna, Jr. (U.S. Patent No. 7,100,188, hereinafter “Hejna”).

VII. ARGUMENT

First Ground of Rejection:

Claims 49-54, 56-75, 77-88, and 90-99 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Date et al. (U.S. Patent No. 5,959,677, hereinafter “Date”) in view of Hejna, Jr. (U.S. Patent No. 7,100,188, hereinafter “Hejna”). Appellants traverse this rejection for the following reasons. Different groups of claims are addressed under their respective subheadings.

Claims 49-54, 56, 57, 83-87, 97, and 99:

To establish a *prima facie* case of obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP 2143.03. Appellants respectfully submit that the cited references, taken individually or in combination, do not teach or suggest all the limitations recited in claim 49.

In particular, Appellants respectfully submit that the cited references, taken individually or in combination, do not teach or suggest a method comprising “transmitting from a server a plurality of notifications for determining a sequence of transmission of said continuous stream of said content via a plurality of communication paths” in combination with the remaining features of claim 49. In rejecting claim 49, the Examiner cites various passages in Date (e.g., col. 3, lines 1-22; col. 5, lines 6-34; col. 7, lines 28-45) as disclosing this feature. Date discloses a system for transmitting digital video/audio signals at a controlled transmission rate on a transmission path. In Date, each multiplexed combination of video/audio signals and digital data is transmitted on a single transmission path. See, e.g., Date, col. 2, lines 53-65. The passages in Date cited by the Examiner merely relate to Date’s techniques for monitoring and controlling the transmission rate for each set of data over its respective single transmission path. Thus, Date does not teach or suggest transmitting a plurality of notifications for determining a sequence of transmission of a continuous stream of content via a plurality of communication paths.

Furthermore, Appellants respectfully submit that there is no teaching or suggestion in Date for determining a sequence of transmission of a continuous stream of content via a plurality of communication paths or for transmitting from a server a plurality of notifications for determining the sequence of transmission. In the “Response to Arguments” section of the Final Office Action, the Examiner interprets the limitation “sequence of transmission” to be “any form of information regarding the type or kind of transmission where sequence of transmission can be in the form of rates, formats, frequencies, etc.” Appellants disagree with the Examiner’s interpretation of the “sequence of transmission” recited in claim 49. Although Date discloses that an element of a transmitter is informed of transmission rates of video/audio signals (e.g., col. 2, line 66 to col. 3, line 5), Appellants respectfully submit that a rate of transmission is not equivalent to a sequence of transmission. Thus, Date does not teach or suggest a method comprising “transmitting from a server a plurality of notifications for determining a sequence of transmission of said continuous stream of said content via a plurality of

communication paths” in combination with the remaining features of claim 49. For similar reasons, Date fails to teach or suggest a method comprising “obtaining by a client said plurality of notifications” in combination with the remaining features of claim 49.

Additionally, Appellants respectfully submit that the cited references, taken individually or in combination, do not teach or suggest a method comprising “transmitting from said server said continuous stream of said content via said plurality of communication paths according to said sequence of transmission” in combination with the remaining features of claim 49. In rejecting claim 49, the Examiner cites various passages in Date (e.g., col. 2, lines 46-52; col. 6, lines 45 to col. 7, line 15; col. 7, lines 24-26) as disclosing this feature. Although Date discusses transmitting data across a plurality of transmission paths (e.g., col. 2, lines 46-52; col. 3, lines 19-31), Date’s techniques are directed towards monitoring a maximum transmission rate across the plurality of transmission paths and controlling the transmission rate for individual paths accordingly. In Date, each multiplexed combination of video/audio signals and digital data is still transmitted (with an appropriately controlled transmission rate) on a single transmission path. Therefore, Date does not teach or suggest transmitting **a continuous stream of content via a plurality of communication paths**. Furthermore, for at least the reasons discussed above, Date does not teach or suggest transmitting a continuous stream of content via a plurality of communication paths **according to a sequence of transmission**.

Appellants also respectfully submit that the cited references, taken individually or in combination, do not teach or suggest a method comprising “obtaining by said client said continuous stream of said content by automatically switching communication paths in accordance with said sequence of transmission of said content based on said plurality of obtained notifications” in combination with the remaining features of claim 49. For at least the reasons discussed above, Date fails to teach or suggest automatically switching communication paths **in accordance with said sequence of transmission** of said content **based on said plurality of obtained notifications**. Additionally, Appellants can find no

teaching or suggestion in Hejna for automatically switching communication paths in accordance with said sequence of transmission of said content based on said plurality of obtained notifications. Hejna, like Date, discloses techniques based on a rate of transmission (e.g., col. 6, lines 6-15) and not a sequence of transmission.

Accordingly, claim 49 and its dependent claims 50-54, 56, 57, and 97 are believed to patentably distinguish over the cited references for at least the reasons given above. Independent claim 83 and its dependent claims 84-87 and 99 are believed to patentably distinguish over the cited references for at least the same reasons.

Claims 58, 59, 61-65, 90, and 92-95:

To establish a *prima facie* case of obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP 2143.03. Appellants respectfully submit that the cited references, taken individually or in combination, do not teach or suggest all the limitations recited in claim 58.

In particular, Appellants respectfully submit that the cited references, taken individually or in combination, do not teach or suggest a method comprising “transmitting an encrypted notification of a communication path on which a part of said content will be transmitted at a given time, wherein said encrypted notification comprises an indication of said given time” and “transmitting another encrypted notification of another communication path on which another part of said content will be transmitted at another given time, wherein said another encrypted notification comprises an indication of said another given time” in combination with the remaining features of claim 58. For at least the reasons discussed above regarding claim 49, neither Date nor Hejna teaches or suggests transmitting notifications of communication paths on which parts of the content will be transmitted at given times.

Additionally, Appellants respectfully submit that the cited references, taken individually or in combination, do not teach or suggest a method comprising "transmitting said part of said content on said communication path at said given time" and "transmitting said another part of said content on said another communication path at said another given time" in combination with the remaining features of claim 58. For at least the reasons discussed above regarding claim 49, neither Date nor Hejna teaches or suggests transmitting **two different parts** of the content over **two different communication paths**.

Accordingly, claim 58 and its dependent claims 59 and 61-65 are believed to patentably distinguish over the cited references for at least the reasons given above. Independent claim 90 and its dependent claims 92-95 are believed to patentably distinguish over the cited references for at least the same reasons.

Claims 60, 68, 88, and 91:

To establish a *prima facie* case of obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP 2143.03. Appellants respectfully submit that the cited references, taken individually or in combination, do not teach or suggest all the limitations recited in claim 60 in combination with the base claim 58.

Claim 60 is dependent on claim 58 and is patentably distinct from the cited references for at least the reasons discussed above regarding claim 58. Furthermore, Appellants respectfully submit that neither Date nor Hejna teaches or suggests a method as recited in claim 58 and "wherein said content comprises a continuous stream of an individual television program." As discussed above, each multiplexed combination of video/audio signals and digital data in Date is transmitted on a single transmission path. Date does not teach or suggest transmitting a part of a continuous stream of an individual television program on a communication path at a given time and also transmitting another

part of the continuous stream of the individual television program on another communication path at another given time.

Thus, claim 60 is patentably distinct from the cited references for at least the reasons discussed above. Claims 68, 88, and 91 are believed to patentably distinguish over the cited references for at least the same reasons.

Claims 66, 67, 69-72 and 96:

To establish a *prima facie* case of obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP 2143.03. Appellants respectfully submit that the cited references, taken individually or in combination, do not teach or suggest all the limitations recited in claim 66.

In particular, Appellants respectfully submit that the cited references, taken individually or in combination, do not teach or suggest a method comprising “transmitting a notification of a communication path on which a part of said content will be transmitted at a given time from a server to a client, wherein said notification comprises an indication of said given time” and “transmitting another notification of another communication path on which another part of said content will be transmitted at another given time from said server to said client, wherein said another notification comprises an indication of said another given time” in combination with the remaining features of claim 66. For at least the reasons discussed above regarding claim 49, neither Date nor Hejna teaches or suggests transmitting **notifications** of communication paths on which parts of the content will be transmitted **at given times**.

Additionally, Appellants respectfully submit that the cited references, taken individually or in combination, do not teach or suggest a method comprising “transmitting said part of said content on said communication path at said given time to

said client” and “transmitting said another part of said content on said another communication path at said another given time to said client” in combination with the remaining features of claim 66. For at least the reasons discussed above regarding claim 49, neither Date nor Hejna teaches or suggests transmitting **two different parts** of the content over **two different communication paths**.

Accordingly, claim 66 and its dependent claims 67 and 69-72 are believed to patentably distinguish over the cited references for at least the reasons given above. Independent claim 96 is believed to patentably distinguish over the cited references for at least the same reasons.

Claims 73-75, 77-82, and 98:

To establish a *prima facie* case of obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP 2143.03. Appellants respectfully submit that the cited references, taken individually or in combination, do not teach or suggest all the limitations recited in claim 73.

In particular, Appellants respectfully submit that the cited references, taken individually or in combination, do not teach or suggest a method comprising “transmitting to a subset of a plurality of clients in a secure manner mapping information for a content transmitted over said plurality of communication paths to said plurality of clients” in combination with the remaining features of claim 73. As discussed above regarding claim 49, Date and Hejna disclose techniques related to rates of transmission of video/audio or multi-media signals. However, neither Date nor Hejna teaches or suggests transmitting **mapping information** for a content. Additionally, as discussed above regarding claim 49, neither Date nor Hejna teaches or suggests that the content is transmitted over **a plurality of communication paths** to a plurality of clients.

Accordingly, claim 73 and its dependent claims 74, 75, 77-82 and 98 are believed to patentably distinguish over the cited references for at least the reasons given above.

CONCLUSION

For the foregoing reasons, it is submitted that the Examiner's rejection of claims 49-54, 56-75, 77-88, and 90-99 was erroneous, and reversal of the Examiner's decision is respectfully requested.

A fee of \$500.00 for filing an Appeal Brief pursuant to 37 C.F.R. §41.20(b)(2) was previously paid for the Appeal Brief of February 22, 2007. Pursuant to MPEP 1207.04, Appellants request that the previously paid fee of \$500.00 be applied to the fee of \$510.00 due for this Appeal Brief filed pursuant to 37 C.F.R. §41.20(b)(2). The difference of \$10.00 between the current fee and the previous fee is being paid concurrently via EFS-Web. If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above-referenced application(s) from becoming abandoned, Appellants hereby petition for such extensions. The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Meyertons, Hood, Kivlin, Kowert & Goetzel P.C., Deposit Account No. 50-1505/6000-04802/BNK.

Respectfully submitted,



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VIII. CLAIMS APPENDIX

The claims on appeal are as follows.

49. A method for controlling access to a continuous stream of a content transmitted over a plurality of communication paths, the method comprising:

transmitting from a server a plurality of notifications for determining a sequence of transmission of said continuous stream of said content via a plurality of communication paths;

obtaining by a client said plurality of notifications;

transmitting from said server said continuous stream of said content via said plurality of communication paths according to said sequence of transmission; and

obtaining by said client said continuous stream of said content by automatically switching communication paths in accordance with said sequence of transmission of said content based on said plurality of obtained notifications.

50. The method of Claim 49, wherein said plurality of notifications are transmitted from said server at irregular intervals.

51. The method of Claim 49, wherein said sequence of transmission of said content determines which communication paths contain which parts of said continuous stream of said content at a given time.

52. The method of Claim 49, wherein said plurality of notifications are each encrypted prior to transmission from said server.

53. The method of Claim 52, wherein said client comprises a descrambler for decrypting said plurality of notifications and wherein said plurality of encrypted notifications are decrypted by said descrambler prior to said obtaining by said client said continuous stream of said content.

54. The method of Claim 52, wherein said continuous stream of said content is not encrypted prior to transmission on said plurality of communication paths.

56. The method of Claim 49, further comprising viewing said continuous stream of said content via said client without being aware of said automatically switching of said communication paths.

57. The method of Claim 49, wherein said switching of said communication paths prevents a non-authorized viewer from viewing said continuous stream of said content.

58. A method for controlling access to a content having a plurality of parts transmitted over a plurality of communication paths, the method comprising:

transmitting an encrypted notification of a communication path on which a part of said content will be transmitted at a given time, wherein said encrypted notification comprises an indication of said given time;

transmitting said part of said content on said communication path at said given time;

transmitting another encrypted notification of another communication path on which another part of said content will be transmitted at another given time, wherein said another encrypted notification comprises an indication of said another given time; and

transmitting said another part of said content on said another communication path at said another given time.

59. The method of Claim 58, wherein said transmitting said another encrypted notification and said transmitting said another part of said content are repeated until all parts of said content have been transmitted.

60. The method of Claim 58, wherein said content comprises a continuous stream of an individual television program.

61. The method of Claim 58, wherein said plurality of notifications are transmitted at irregular intervals.

62. The method of Claim 58, further comprising viewing said plurality of parts of said content via an authorized client, wherein each of said plurality of notifications is decrypted at said authorized client prior to transmission of said corresponding part of said content.

63. The method of Claim 62, wherein said plurality of parts of said content are not encrypted prior to transmission on said plurality of communication paths.

64. The method of Claim 58, further comprising viewing said plurality of parts of said content via a client that automatically switches to said communication path and to said another communication path based on said plurality of notifications.

65. The method of Claim 58, wherein said transmitting said part of said content on said communication path and said transmitting said another part of said content on said another communication path prevent a non-authorized viewer from viewing said plurality of parts of said content.

66. A method for controlling access to a content having a plurality of parts transmitted over a plurality of communication paths, the method comprising:

- transmitting a notification of a communication path on which a part of said content will be transmitted at a given time from a server to a client, wherein said notification comprises an indication of said given time;

- switching automatically by said client of said communication path;

- transmitting said part of said content on said communication path at said given time to said client;

- viewing said part of said content on said communication path via said client;

transmitting another notification of another communication path on which another part of said content will be transmitted at another given time from said server to said client, wherein said another notification comprises an indication of said another given time;

switching automatically by said client of said another communication path;

transmitting said another part of said content on said another communication path at said another given time to said client; and

viewing said another part of said content on said communication path via said client.

67. The method of Claim 66, wherein said transmitting said another notification, said automatic switching by said client of said another communication path, said transmitting said another part of said content, and said viewing said another part of said content are all repeated until all parts of said content have been transmitted.

68. The method of Claim 66, wherein said content comprises a continuous stream of an individual television program.

69. The method of Claim 66, wherein said plurality of notifications are transmitted at irregular intervals.

70. The method of Claim 66, wherein said plurality of notifications are each encrypted prior to transmission from said server.

71. The method of Claim 70, wherein said plurality parts of said content are not encrypted prior to transmission from said server.

72. The method of Claim 66, wherein said transmitting said part of said content of said communication path, said automatically switching to said communication path, said transmitting said another part of said content on said another communication

path, and said automatically switching to said another communication path prevent a non-authorized viewer from viewing said plurality of parts of said content.

73. A method for controlling access to a content transmitted over a plurality of communication paths, the method comprising:

transmitting to a subset of a plurality of clients in a secure manner mapping information for a content transmitted over said plurality of communication paths to said plurality of clients;

switching automatically by said subset of said plurality of clients to a communication path of said plurality of communication paths that is transmitting said content;

signaling said subset of said plurality of clients with modified mapping information on a repeated basis during a course of a viewed presentation; and

switching automatically by said subset of said plurality of clients to a modified communication path of said plurality of communication paths based on said modified mapping information.

74. The method of Claim 73, wherein said switching automatically by said subset of said plurality of clients to said communication path and to said modified communication path are performed without interfering with a continuity of a presentation of said content on said subset of said plurality of clients.

75. The method of Claim 74, wherein said switching automatically by said subset of said plurality of clients to said communication path and to said modified communication path are performed without a viewer of said content knowing of said switching.

77. The method of Claim 74, wherein said signaling said plurality of clients with modified mapping information is repeated at irregular intervals.

78. The method of Claim 74, wherein said signaling said plurality of clients with modified mapping information is repeated at semi-random intervals.

79. The method of Claim 74, wherein said signaling said plurality of clients with modified mapping information is repeated at intervals determined dynamically.

80. The method of Claim 74, further comprising dynamically selecting a next content transmission communication path.

81. The method of Claim 80, wherein said modified mapping information comprises an indication to allow for switching of said next transmission communication path at a given time.

82. The method of Claim 81, wherein said indication comprises a frame number of said content.

83. A system for controlling access to a content comprising:
a plurality of communication paths;
a server;
a plurality of notifications for determining a sequence of transmission of a content having a plurality of parts via said plurality of communication paths; and
a client coupled to said server via said plurality of communication paths;
wherein said plurality of notifications are transmitted from said server to said client;
wherein said plurality of parts of said content are transmitted from said server over said plurality of communication paths in accordance with said sequence of transmission; and
wherein said client obtains said plurality of parts of said content by automatically switching communication paths in accordance with said sequence of transmission of said content based on said plurality of obtained notifications.

84. The system of Claim 83, wherein said plurality of notifications are transmitted from said server at irregular intervals.

85. The system of Claim 83, wherein said sequence of transmission determines which communication paths contain which parts of said content at a given time.

86. The system of Claim 83, wherein said plurality of notifications are each encrypted prior to transmission from said server and wherein said plurality of notifications are decrypted at said client.

87. The system of Claim 86, wherein said plurality of parts of said content are not encrypted prior to transmission from said server.

88. The system of Claim 86, wherein said content comprises a continuous stream of an individual television program.

90. A system for controlling access to a content comprising:

a content having a plurality of parts;

a plurality of communication paths;

a server; and

a plurality of encrypted notifications, each of said plurality of encrypted notifications notifying a client of a communication path on which a corresponding part of said content will be transmitted at a given time, and each of said plurality of encrypted notifications comprising an indication of said respective given time;

wherein said server repeatedly transmits an encrypted notification of said plurality of notifications until all parts of said content have been transmitted.

91. The system of Claim 90, wherein said content comprises a continuous stream of an individual television program.

92. The system of Claim 90, wherein said plurality of notifications are transmitted from said server at irregular intervals.

93. The system of Claim 90, further comprising a client for obtaining said plurality of parts of said content and wherein each of said plurality of notifications is decrypted prior to said client obtaining said corresponding part of said content.

94. The system of Claim 93, wherein said plurality of parts of said content are not encrypted prior to transmission from said server.

95. The system of Claim 93, further comprising a client for obtaining said plurality of notifications and wherein said client obtains said plurality of parts of said content by automatically switching communication paths in accordance with a sequence of transmission of said content based on said plurality of obtained notifications.

96. A system for controlling access to a content comprising:
an individual television program having a plurality of parts;
a plurality of communication paths;
a selected client; and

a server coupled to said client via said plurality of communication paths, said server transmitting a notification to said client of a communication path of said plurality of communication paths on which a part of said program will be transmitted at a given time and transmitting another notification to said client of another communication path of said plurality of communication paths on which another part of said program will be transmitted at another given time, wherein said notification comprises an indication of said given time, and wherein said another notification comprises an indication of said another given time;

wherein said client automatically switches to said communication path at said given time and automatically switches to said another communication path at said another given time;

wherein said plurality of notifications are transmitted from said server to said client at irregular intervals; and

wherein said plurality of notifications are each encrypted at said server.

97. The method of claim 49, wherein said each of said plurality of communications paths is a frequency, and wherein said automatically switching communications paths includes changing a frequency over which said content is transmitted.

98. The method of claim 73, wherein each of said plurality of communications paths is a frequency, and wherein said switching automatically by said subset to a communication path and said switching automatically by said subset of said plurality of clients to a modified communication path includes switching to a different frequency over which said content is transmitted.

99. The system of claim 83, wherein each of said plurality of communication paths is a frequency, and wherein said switching communications paths includes switching a frequency over which said content is transmitted.

IX. EVIDENCE APPENDIX

No evidence submitted under 37 C.F.R. §§ 1.130, 1.131, or 1.132 or otherwise entered by the Examiner is relied upon in this appeal.

X. RELATED PROCEEDINGS APPENDIX

There are no related proceedings known to Appellants, Appellants' legal representatives, or assignee which will directly affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal.